

Decision 01-10-047 October 25, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U 339-E) for Authority to Sell Its Interest in the Mohave Generating Station.

Application 99-10-023
(Filed October 14, 1999)

**OPINION GRANTING PETITION BY
SOUTHERN CALIFORNIA EDISON COMPANY
TO WITHDRAW ITS APPLICATION**

Southern California Edison Company (SCE) filed this application as part of SCE's compliance with the requirement of Pub. Util. Code Section 367 (b) that the utilities' non-nuclear generating facilities, including SCE's Mohave interest, be valued by "appraisal, sale or other divestiture" by year-end 2001. SCE auctioned the plant and in April 2000 selected the AES Corporation (AES) as the winning bidder. SCE and AES entered into a sales contract under which the parties' obligation to close the transaction was conditional upon, among other things, final Commission approval of the sale. In January 2001, following continued volatility in the California electricity market, the Commission issued a decision (D.01-01-040) that suspended the Mohave sale. Also in January 2001, California enacted Assembly Bill 6 of the First Extraordinary Session of 2000-2001 (AB X1-6), which prohibits any sale of utility facilities for the generation of electricity, including SCE's Mohave interest, until 2006.

SCE accordingly petitions to withdraw this application.

The Utility Reform Network (TURN) supports ending this proceeding, but suggests that the better course would be a Commission decision dismissing the application, based solely on ABX1-6. The dismissal should also acknowledge that there are intervenor compensation-related issues that the Commission will ultimately need to address in this proceeding. TURN recommends that we include an Ordering Paragraph similar to Ordering Paragraph 4 from D.01-02-040, the opinion granting the motion of MCI WorldCom and Sprint Corporation to withdraw their merger application (A.99-12-012):

Nothing in this decision shall preclude any party already deemed eligible for intervenor compensation from seeking such compensation in this proceeding, or, to the extent this proceeding's record is used in other proceedings, in those other proceedings, provided there is no duplicate compensation.

We grant SCE's petition to withdraw its application, based on ABX1-6. We will not be drawn into a semantic argument between "withdraw" versus "dismiss." We will protect the right of eligible parties to request intervenor compensation.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util.Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

O R D E R

IT IS ORDERED that:

1. This application is withdrawn.
2. Eligible parties may request intervenor compensation.

3. This proceeding is closed.

This order is effective today.

Dated October 25, 2001, at San Francisco, California.

LORETTA M. LYNCH
President

HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners